

HALFMOON TOWNSHIP
Planning Commission Meeting
May 1, 2012 7:00 pm

Present: Bob Eberhart, Larry Fennessey, Jordan Finkelstein, Lorin Nauman, John Stevens, Joe Tylka
Absent: Danelle Del Corso
Others present: D. J. Liggett, CRPA; Susan Steele, Township Manager; David Piper, Zoning Officer; Mark Boeckel, CRPA; Mark Maloney, Halfmoon Acres; Kenn Shope, Shope Surveys; Bill Shuey, Oak Leaf Development; Bill Tressler, attorney; Harry Whitehill, Oak Leaf Development; Melissa Gartner, recording secretary

1. Call To Order

Vice Chair Mr. Tylka called the meeting to order at 7:04 p.m.

2. Citizen Comments

Mr. Mark Maloney asked to distribute a proposed replot to the PC before he presented it to the BOS, but Ms. Steele and the PC instructed him to submit an application first and include the replot with the application.

3. Approval of April 3, 2012 Minutes

Motion. Mr. Nauman moved to approve the minutes of April 3, 2012. Mr. Stevens seconded. Vote: 6-0.

4. Reports

a. BOS Update

Ms. Steele said that the BOS approved the Brown sewer planning module and the Brown waiver request but upheld the requirement for a sprinkler system in the house. The agenda for the next meeting will cover park issues, the summer parks program, and the parks reservation policy. There will also be a presentation by Ms. Yurchak on protecting advance payments for the OSP.

b. Zoning Officer's Report

No report. Mr. Piper was not yet present.

c. CRPC Update

There will be no meeting until May 3.

5. Oak Leaf Development – Replot and Planning Module

Mr. Bill Shuey, one of the owners of Oak Leaf Development presented a replot of two lots located off Tow Hill Road and Morris Road (private road), which comes off of Smith Road. The property line runs through the Cramer estate and George Peters Jr.'s former property. The plan is to replot and reconfigure two existing lots.

Approximately 13 acres will be taken from Lot #11RRR and added to Lot #2R. The replot will result in two lots: Lot #2R - 17.15 acres, and Lot #11RRR - 12.99 acres. The lots will have public water but on-site septic.

Ms. Liggett asked Mr. Shuey how many lots have access to Morris Road. Mr. Shuey said nine. Both of the new lots could access Tow Hill Road, which is a Township road. There has never been a maintenance agreement for Morris Road, according to Mr. Shuey.

In Mr. Franson's written comments, he asked for a copy of the easement agreement for the water company's 50 foot utility easement. Mr. Fennessey thought legally the property owner cannot be encumbered from building a road across the easement, but the issue should be clarified in this situation.

Mr. Tylka asked if this situation was grandfathered under the Township private road ordinance. Ms. Liggett said the way this replot was drawn, Morris Road is a part of Lot #2R. She said there should be a right-of-way and a maintenance agreement from the property owner of #2R that he/she will continue to allow other owners to access their properties via Morris Road. Mr. Shuey said he needed to talk to the BOS and see how they wanted to handle this.

Ms. Liggett said for the plan to be approved, it should provide more information on how Morris Road will be maintained and accessed by current property owners. Ms. Steele explained to Mr. Shuey that if the PC did not approve the plan, it would not be forwarded to the BOS. Mr. Shuey expressed concern that the Morris Road situation needed to be addressed and residents needed to sign a maintenance agreement.

Mr. Fennessey asked Ms. Liggett and Ms. Steele if the Cramer parcels all came from one original tract, and if so, it would be indicated in those deeds that those parcels would have perpetual access to Morris Road. Ms. Liggett noted that this is the type of information needed on the plan. Mr. Fennessey added that Lot #2R already exists and is legally buildable now; in his opinion, Mr. Shuey does not actually need a replot but a lot line adjustment which would not generate any further legal issues. Mr. Fennessey then recalled how the Township assisted residents on his private road with creating a maintenance agreement.

Ms. Liggett reviewed her comments as well as the comments provided by the Township Engineer. She reported that Mr. Franson (the Township Engineer) states that according to the Centre County Recorder's Office, Plat Book 53, #11RRR already exists, so the new lot should be #11RRR. Mr. Franson also notes that the County Recorder's Office indicates that Morris Road is to be a private road until it is extended into the Oak Leaf Development. He asks how Lot #2R is to be accessed.

Mr. Piper was now present at the meeting and gave his comments. He found two closed depressions (possible sink holes, lime pits, etc.) which should be shown on the revised plan. The setbacks are less than what is shown on the plan and the 70'x70' buildable area needs to be shown on the plan. The proposed well locations should also be shown on the planning module unless a copy of an agreement with the Upper Halfmoon Township Water Company is provided. Mr. Eberhart asked Mr. Piper's opinion on the Morris Road situation. Mr. Piper said he hoped the property owners would cooperate with the developer on a maintenance agreement. Mr.

Shuey asked for assistance from the Township to get the maintenance agreement signed.

Ms. Liggett said she supported approving the planning module, contingent on signatures of the Sewage Enforcement Officer. Mr. Piper said he would sign the module following receipt of a water agreement or the location of proposed wells is added to the plan.

Motion. Mr. Fennessey moved to approve the Component 1 Planning Module for the Oak Leaf Development and refer it to the BOS for action, contingent upon Mr. Piper's signature. Mr. Eberhart seconded. Vote 6-0.

Discussion continued on the replot plan, responsibility for the private road, and past precedents in similar situations (ex: Mahala Street). Mr. Piper explained the Township could take over a private road and keep it unpaved, but they could never put it on liquid fuels unless it was paved. He said Mahala Street was not handled properly in the past, and is not an example to be repeated in the future.

Ms. Liggett explained that if the PC conditionally approved the plan tonight, the resolution of the private road and access issues would have to be addressed among staff and the developer. The PC would not see the plan again before it was forwarded to the BOS. She recommended, because of the number of missing items from the plan, that the plan be presented back to the PC before it goes to the BOS. Mr. Eberhart asked if this plan comes back again, does the road agreement need to be resolved at that time? Ms. Liggett said she did not think the PC would be able to resolve the road issue.

Motion. Mr. Nauman moved to conditionally approve the Replot for the Oak Leaf Development, contingent upon satisfaction of comments by the Township Zoning Officer, the Township Engineer, the Township Solicitor, and the CRPA Planner. Mr. Fennessey seconded. Vote: 6-0.

6. Centre Region Comprehensive Plan (Open Space and Environmental Resources)

Mr. Mark Boeckel began his presentation on the Open Space, Conservation, and Recreation element of the Comprehensive Plan. Ms. Liggett asked the PC members to consider how this regional vision would impact Halfmoon Township. Mr. Tylka clarified that if there are items the Township wants to have included or does not want in the Plan, this is the time to address those issues.

The Open Space, Conservation, and Recreation element defines the open space, discusses ways to protect the space, and proper ways to use the space. According to community surveys, there was strong support across the Region for having open space and having access to it. There is a need for a regional open space plan so space is preserved and connected, rather than located in isolated pockets. Residents also indicate support for bicycle connections to these open spaces. Mr. Eberhart asked if this pertained primarily to public open space, and Mr. Boeckel said that municipalities have the most control over public open space. Mr. Eberhart asked for clarification language so that private open space land is not excluded, because of the current OSP in Halfmoon Township. In the Conservation section, the Region wants to reinforce and continue current efforts to protect open space land. The Parks and Recreation section states the goals to maintain

information on parks, encourage the sharing of the parks, provide information on park availability, and provide adequate parkland for community needs.

Mr. Fennessey asked Ms. Steele to clarify Halfmoon Township's relationship with Centre Region Parks. She explained that the Township is not a member of the Regional Parks Program. As a result, residents pay a higher fee for using regional parks facilities than residents of participating municipalities. The Township does not have to pay Centre Region to maintain Halfmoon parks facilities.

Mr. Tylka asked about Goal 3.0 Objective 3.1: maintaining up-to-date information on the supply, demand, and use of public parks and open space. Mr. Boeckel said this might become a municipal task, rather than a CRPA task. Mr. Nauman asked if the Penn State students have an impact on park space use, but Ms. Liggett said it was negligible. Mr. Fennessey asked to have Objective 1.2 moved to the Parks and Recreation section.

Mr. Boeckel then presented the Natural, Environmental, Cultural, and Historic Resources. The natural and environmental resources are written in separate sections but are similar because typically the natural and environmental features are related or connected. The cultural and historic resources section refers to historic structures and other cultural resources in the region and the general character that they help to create. In the recent community survey, 91% of respondents support the protection and enhancement of natural, environmental, cultural and historic resources of the Region.

In the Natural Resources section, there was a lot of support to the idea of preserving agricultural lands. Objective 1.1 would encourage preservation of prime agricultural soils and farmland for active agricultural uses. Residents want to continue to preserve agricultural land throughout the Region. Mr. Tylka asked for an example of what a property owner would not be allowed to do, and Mr. Nauman explained that in Halfmoon Township, someone cannot run a B&B outside of the Village District. In the Township, farmers running commercial B&Bs and promoting agritourism could be possible industries and revenue sources. Members discussed that this might be an issue to discuss at a future PC meeting.

Mr. Tylka asked again for examples of what might be hindering farming. Mr. Boeckel discussed adequate buffering for manure distribution and smaller lot sizes which discourage farming. Mr. Eberhart reviewed the previous presentation on the Land Use element and the farmer/developer buffering discussion. He asked who was providing the land for the buffers, and Mr. Boeckel said the municipality would determine who would yield land for buffers (the farmer or the developer). Smaller buffers tend to generate more discord between farmers and residents.

Other objectives cover the protection of groundwater resources, oil and gas extraction, alternative energy sources, and air quality in the Centre Region. Mr. Eberhart also asked about Objective 1.3 since Utica shale might never be utilized in the region. Mr. Boeckel said that this objective might be changed in the future due to Act 13. Ms. Steele said that Act 13, new PA legislation, prohibits municipalities from implementing zoning that would limit oil and gas extraction.

In the Environmental Resources section, goals and objectives are written to promote and protect the natural habitats, wetlands, surface water resources, ridges

and steep slopes. Education is also suggested to encourage proper use of these resources.

In the Cultural and Historic Resources section, 69% of survey respondents agree that identifying and protecting these resources are important. Goals, objectives, and policies focus on identifying the significant historic resources, updating existing inventories, and considering alternate uses to prolong their existence. Mr. Tylka asked if a specific county or state organization existed to help a municipality protect a structure. Mr. Fennessey said the Pennsylvania Historical Museum Commission would be the group to contact.

Mr. Fennessey asked for an additional policy to be added to the Natural Resources section under Objective 1.6 Groundwater Resources to ask municipalities to implement a tax or user fee to support the water recharge areas. Mr. Boeckel said he would bring this up for discussion.

The PC members thanked Mr. Boeckel for his time.

7. Rural Preservation Developments – Yield Plan

This item concerns the language the PC considered inserting into the Rural Preservation Design Standards to require soils testing as another means of determining the maximum number of lots that can be developed. The previous discussion was to ensure that soils testing applies to both the neighborhood (Option 1) and traditional (Option 2) lots.

Ms. Liggett distributed copies of the proposed language and changes to Chapter 215 – Subdivision and Land Development.

Mr. Eberhart noted that the revised language results in a requirement for developers of Option 2 lots to identify primary and secondary conservation areas, as well as conduct soils testing. He asked whether this was intended. Ms. Liggett noted that as she interpreted the original ordinance, both Option 1 and Option 2 developments would have to identify primary and secondary conservation areas. She noted that the intent of the ordinance is to protect natural areas from development, regardless of whether they are part of an open space lot, as in the Option 1 development, or large country lots, as in Option 2 developments. For example, if there was a major bird area, she asked whether the Township wants to prevent a landowner from building a home in the middle of that conservation space?

Mr. Eberhart asked to clarify what specifics were previously required for Option 2 lots. He noted that originally, only the owners of Option 1 lots needed to identify conservation areas and conduct soils testing. This new revision would require owners of Option 2 lots to identify primary and secondary conservation areas. Ms. Liggett noted that the revisions do not change the requirements for both Option 1 and Option 2 developers to identify conservation areas, they just incorporate an additional step for soils testing. She noted that Option 1 lots have an additional list of requirements that do not pertain to Option 2 lots. That has not changed.

Motion. Mr. Fennessey moved to refer the revisions to Chapter 215 (Subdivision and Land Development) of the Township Code to the BOS with a recommendation for approval. Mr. Stevens seconded. Vote: 6-0.

8. Matters of Record

- The next PC meeting will be held on May 15. Potential agenda items include a discussion of the Halfmoon/Patton Area Plan and revisions to the driveway regulations.
- The BOS took action on April 26, 2012 to approve the Gerald J. & Shirley Brown subdivision plan. The Board granted a waiver from the requirement for a water storage tank on Lot #1 and from the requirement that the fire access road be built to a standard that would be capable of handling a 75,000 fire truck, but the BOS did not waive the requirement for a sprinkler system in the house. After Mr. Eberhart's question, Mr. Nauman explained that home sprinkler systems usually consist of a set of stacked 90-gallon tanks that will function even if power is cut. This system is typically designed only to buy an occupant a few minutes to get out of a building, not to suppress the fire itself.
- Two regional workshops on the Regional Growth Boundary and Sewer Service Area are scheduled for June 4 and June 20, 2012. Both meetings will be held at the Millbrook Marsh Nature Center. The presentations and formats will be similar, though the meeting on June 4 is targeted toward planning commission members.

9. Adjournment

Motion. Mr. Nauman moved to adjourn. Mr. Finkelstein seconded.

The meeting was adjourned at 9:22 p.m.

Respectfully submitted,
Melissa Gartner
Recording Secretary